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USDA Forest Service
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Harv Forsgren
Regional Forester, Intermountain Region
USDA Forest Service
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Subject: Modified Idaho Roadless Rule—National Forest Lands, Idaho—Response to Request for Formal Consultation/Conference and Concurrence
File #102.1000 14420-2008-I-0623

Dear Mr. Tidwell and Mr. Forsgren:

This letter acknowledges the Fish and Wildlife Service's (Service) August 28, 2008 receipt of your August 27, 2008 letter requesting initiation of formal consultation under the Endangered Species Act (Act) of 1973, as amended. The formal consultation concerns the possible effects of your proposed Modified Idaho Roadless Rule (MIRR) for Regions 1 and 4 of the Forest Service (FS) on eight listed species: Selkirk Mountains woodland caribou (*Rangifer tarandus caribou*), grizzly bear (*Ursus arctos horribilis*), Canada lynx (*Lynx canadensis*), endangered gray wolf (*Canis lupus*, north of Interstate 90), Northern Idaho ground squirrel (*Spermophilus brunneus brunneus*), bull trout (*Salvelinus confluentus*), Macfarlane's four-o'clock (*Mirabilis macfarlanei*) and Ute ladies'-tresses (*Spiranthes diluvialis*). You also requested a Conference Opinion addressing your determination that the MIRR is not likely to result in destruction or adverse modification of proposed critical habitat for Canada lynx.

All information required of you to initiate formal consultation was either included in your August 27, 2008 Biological Assessment (Assessment) or was subsequently provided in your revised Assessment received by the Service on September 12, 2008. We have assigned log number 14420-2008-F-0586 to this consultation; the Biological/Conference Opinion will be sent under a separate letter.

Also included in your August 27, 2008 letter requesting initiation of formal consultation on eight listed species was a request for concurrence on your determinations of *may affect, not likely to adversely affect* for Kootenai River white sturgeon (*Acipenser transmontanus*) (KRWS), designated critical habitat (CH) for KRWS, designated critical habitat for bull trout, and Christ's paintbrush (*Castilleja christii*).

The Service has reviewed the Assessment addressing the endangered KRWS and we concur with your determination that actions undertaken as allowed by the proposed MIRR *may affect, but is not likely adversely affect* this species. Our concurrence is based on the following rationales presented in the Assessment.

- There is no overlap between Inventoried Roadless Areas (IRAs) and KRWS-occupied habitat in the main stem Kootenai River. The occurrence of IRAs outside of the mainstem Kootenai River drainage, but within sixth code hydrologic units within the range of the KRWS, provides some potential for downstream, offsite effects from actions undertaken as allowed under the MIRR. However, the Service agrees the potential for such downstream effects adversely affecting KRWS is discountable and insignificant.
- At the site-specific project planning level, management requirements of the INFISH and PACFISH Aquatic Conservation Strategies (ACSS) are designed to minimize or avoid effects to key aquatic habitat components. Such requirements and future site-specific section 7 consultations should assist in avoiding or minimizing any effects to KRWS resulting from activities that could take place within IRAs pursuant to the MIRR.

We also concur with the determination that actions undertaken as allowed by the MIRR may affect, but is not likely to adversely affect KRWS CH. Our concurrence is based on the following rationales presented in the Assessment.

- The designated CH for KRWS does not overlap the Idaho IRAs, and the only overlap of IRAs within the range of KRWS is with habitat used for migration. The only means through which the MIRR may affect KRWS CH outside FS boundaries might be via downstream, offsite effects from activities allowable within IRAs pursuant to the MIRR. Consequently, the likelihood that designated CH for KRWS will be exposed to any effects of activities allowed under the MIRR is relatively low.
- The management requirements in INFISH and PACFISH provide a low likelihood that actions undertaken as allowed under the MIRR would result in adverse impacts to KRWS CH primary constituent elements in Idaho including: 1) spawning season flow regime, 2) stable temperatures, 3) submerged rocky substrates, and 4) flow regime that limits sediment deposition and maintains rocky substrates needed for spawning. PACFISH and INFISH requirements and future site-specific section 7 consultations should assist in avoiding or minimizing any downstream, offsite effects to designated CH for KRWS outside FS boundaries resulting from activities that could take place within IRAs pursuant to the MIRR.

The Service has reviewed the Assessment addressing the designated bull trout CH and we concur with the determination that actions resulting from the implementation of the proposed MIRR may affect, but are not likely adversely affect this designated CH. Our concurrence is based on the following rationales presented in the Assessment.

- There is no critical habitat for bull trout designated on FS lands, including roadless areas. The only means through which the MIRR may affect bull trout CH outside FS boundaries might be via downstream, offsite effects from activities allowable within IRAs pursuant to the MIRR. Consequently, the likelihood that CH for bull trout will be exposed to any effects of activities allowed under the MIRR is relatively low.

- There is a low likelihood that the MIRR and the associated management requirements in INFISH, PACFISH and the Southwest Idaho Ecogroup (SWIE, Boise, Payette and Sawtooth N.F.s) land management plan ACSs would result in adverse impacts to bull trout critical habitat primary constituent elements in Idaho including: 1) cold water temperatures, 2) complex stream channels, 3) suitable substrates, 4) natural hydrograph, 5) subsurface water supplies, 6) migratory corridors, 7) abundant food base, and 8) permanent quantity and quality of water.
- At the project level, management requirements of INFISH, PACFISH, and the SWIE land management plans ACSs are designed to minimize or avoid effects to key aquatic habitat components. Such requirements should assist in avoiding or minimizing any downstream, offsite effects to CH for bull trout outside FS boundaries resulting from activities that could take place within IRAs pursuant to the MIRR.

The Service has reviewed the Biological Assessment addressing Christ's paintbrush and we concur with the determination that actions resulting from the implementation of the proposed MIRR may affect, but are not likely to adversely affect this species. Our concurrence with this determination is based on the following rationales presented in the Assessment.

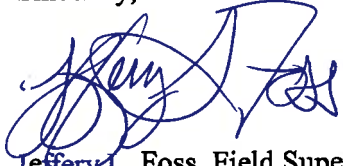
- The single known population of Christ's paintbrush is found on Mount Harrison managed by the Sawtooth National Forest under a Candidate Conservation Agreement with the Service. The standards and guidelines for Christ's paintbrush incorporated into the Sawtooth National Forest plan and Candidate Conservation Agreement will be effective in avoiding or minimizing project effects to render them discountable and insignificant.
- Future coordination and site-specific consultation with the Service for projects implemented under the MIRR on Mount Harrison is expected to involve review and modification of project design should risk of adverse effects be identified during the project planning process.

Finally, we acknowledge your determinations of *no effect* on Spalding's catchfly (*Silene spaldingii*), water howellia (*Howellia aquatilis*), slickspot peppergrass (*Lepidium papilliferum*), and southern Idaho ground squirrel (*Spermophilus brunneus endemicus*). We also acknowledge your determinations of *may effect, and is likely to adversely affect but not likely to result in jeopardy* for the gray wolf south of Interstate-90, and the yellow-billed cuckoo (*Coccyzus americanus*) throughout its potential range.

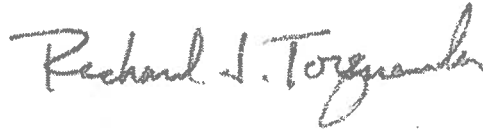
This concludes informal consultation on the proposed MIRR under section 7 of the Act. The MIRR makes it clear and the Service assumes that applicable Land and Resource Management Plan components (including standards and guidelines) must be adhered to during the planning, design and implementation of actions undertaken as allowed by the MIRR. If the MIRR addressed in this letter is modified from that described in the Assessment, environmental conditions change, or additional information becomes available regarding potential effects on listed species not already considered, you should verify with the Service that your conclusions are still valid.

Thank you for your continued interest in the conservation of threatened and endangered species.
Please contact Johnna Roy at (208) 378-5348 if you have any questions or concerns.

Sincerely,



Jeffery L. Foss, Field Supervisor
Snake River Fish and Wildlife Office



Rich Torquemada, Deputy Field Supervisor
Upper Columbia Fish and Wildlife Office

cc: UCFWO, Spokane (Torquemada)
NOAA, Boise (Mabe)
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